

~~(b) Each suspension or revocation of any private inspection facility license, pursuant to N.J.S.A. 39:8-1 et seq. or any regulation adopted thereunder, shall continue in force and effect until such license is restored by the Director.~~

~~(c) In the case of every suspension or revocation of a private inspection facility license for a fixed period of time, the licensee, as a condition precedent to restoration, shall make application to the Director, in such form as the Director may determine, and pay the license restoration fee specified in (a) above. The Director may, upon notice and an opportunity to be heard, deny any application for restoration of a private inspection facility license for good cause.~~

SUBCHAPTER 45. MOTOR VEHICLE EMISSION REPAIR FACILITY REGISTRATION

13:20-45.1 Purpose

(a) P.L. 1995, c.112 provides for the registration of motor vehicle emission repair facilities by the Director of the Division of Motor Vehicles. The purpose of this subchapter is to establish a system for the registration of motor vehicle emission repair facilities which perform emission repairs for compensation on "gasoline-fueled" or "bi-fueled" motor vehicles as defined in N.J.A.C. 13:20-43.1 which have failed an emission inspection so that the Division may track emission repairs for monitoring purposes and document emission repair costs for purposes of issuance of certificates of waiver pursuant to N.J.A.C. 13:20-43.13.

(b) The purpose of this subchapter is also to establish a system for the registration of motor vehicle emission repair facilities which perform diesel emission repairs for compensation pursuant to the provisions of P.L. 1995, c.157.

Amended by R.1997 d.392, effective September 15, 1997.

See: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).

In (a), inserted "gasoline-fueled" and N.J.A.C. references; and added (b).

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

In (a), inserted a reference to bi-fueled motor vehicles.

13:20-45.2 Scope

(a) This subchapter shall apply to every person engaged in the business of a motor vehicle emission repair facility.

(b) No person shall, on or after June 29, 1995, engage in the business of a motor vehicle emission repair facility unless registered by the Director in accordance with the provisions of this subchapter.

13:20-45.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Advertising" means any printed or published materials including, but not limited to, direct mail, circulars, leaflets, pamphlets, newspapers, magazines, billboards, yellow pages of any telephone directory, radio and/or television broadcasts, and any other advertising medium of communication used to induce the public to seek the services of the motor vehicle emission repair facility. The term "advertising" shall not include printed or published materials appearing in the white pages of any telephone directory.

"Applicant" means any person applying under the provisions of this subchapter for an initial registration to engage in the business of a motor vehicle emission repair facility or to renew an existing registration. In the case of a partnership or corporation applying for a registration, the term "applicant" shall respectively include all partners and/or officers and directors and/or persons having a controlling interest in a sole proprietorship or corporation.

"Controlling interest" means possession of the power to direct or cause the direction of the management and policies of a motor vehicle emission repair facility, whether through the ownership of voting securities or otherwise. The Director will presume that control in fact exists if any person or entity directly or indirectly owns, controls, holds the power to vote, or holds proxies representing 10 percent or more of the voting securities of any motor vehicle emission repair facility. This presumption may be rebutted by showing that control does not in fact exist. The Director may determine that control in fact exists, notwithstanding the presence or absence of a presumption to that effect.

"Customer" means the owner of record of a motor vehicle on file with the Division, or any family member, employee or any other person whose use of the motor vehicle is authorized by such owner of record.

"Department" means the Department of Environmental Protection in the State of New Jersey.

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Division" means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Emission repair facility registration" means a registration issued to a motor vehicle emission repair facility which evidences the Director's authorization for the facility to engage in emission repairs, including diesel repairs pursuant to P.L. 1995, c.157, on motor vehicles which have failed an emission inspection.

"Engaged in the business" means performing emission-related repair(s) for compensation and includes:

1. Any person performing emission repair(s) on motor vehicles that have failed an emission inspection required by the Director;

2. Any person who subcontracts or has any type of business arrangement with a motor vehicle emission repair facility or other person to perform emission repairs on motor vehicles that have failed an emission inspection required by the Director;

3. Any person who prepares an estimate to be used by a motor vehicle emission repair facility or other person to perform emission repairs on motor vehicles that have failed an emission inspection required by the Director; or

4. Any person who negotiates in any manner with any customer to perform emission repairs on motor vehicles that have failed an emission inspection required by the Director.

"Estimate" means any written determination prepared by a motor vehicle emission repair facility of the approximate cost of the parts and labor needed to perform the requested repair services.

"Federal Clean Air Act" means the federal "Clean Air Act," 42 U.S.C. § 7401 et seq., and any subsequent amendments or supplements to that act.

"Motor vehicle emission repair facility" means any person who for compensation engages in the business of repairing motor vehicles that have failed an emission inspection required by the Director. For the purpose of this subchapter, the following are not deemed to be a motor vehicle emission repair facility and are not required to be registered:

1. Any employee of a motor vehicle emission repair facility who engages in the business of repairing motor vehicles that have failed an emission inspection solely by reason of his or her employment;

2. Any person who is solely engaged in the business of repairing motor vehicles that have failed an emission inspection and who is employed by a single commercial or industrial establishment that is the owner or lessor of such vehicles; or

3. Any person whose activities consist solely of fueling, changing oil, water, batteries or tires, replacing fan belts, air filters or oil filters, installing windshield wiper blades, light bulbs, communication equipment, or such other repair and servicing functions that are not related to motor vehicle emission inspection failures.

"Person" means any natural person, business, company, firm, partnership, association, corporation or any other entity.

"Place of business" means the address or location where the services of a motor vehicle emission repair facility are offered or ordinarily performed.

"Suspension, revocation or refusal to renew" means administrative action by the Director, in accordance with the provisions of P.L. 1995, c.112 or this subchapter, to refuse to renew a motor vehicle emission repair facility registration or to suspend or revoke a registration.

Amended by, R.1997 d.392, effective September 15, 1997.
See: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).

Amended "Emission repair facility registration".

13:20-45.4 Initial application for registration

(a) Any person seeking to engage in the business of a motor vehicle emission repair facility shall apply, in accordance with the provisions of this subchapter, to the Director for a registration authorizing him or her to engage in such business. An application for a motor vehicle emission repair facility registration may be obtained from the Motor Vehicle Emission Repair Facility Registration Unit of the Division. The address of the Motor Vehicle Emission Repair Facility Registration Unit is:

Division of Motor Vehicles
Business License Compliance
Motor Vehicle Emission Repair Facility
Registration Unit
225 East State Street
PO Box 170
Trenton, New Jersey 08666-0170

(b) Each applicant for a motor vehicle emission repair facility registration shall file with the Director, in such form and detail as may be required by him or her, an application setting forth the following:

1. The name, place of business and telephone number of the motor vehicle emission repair facility;

2. The name, business and residence address(es), driver's license number, social security number and telephone number(s) of:

i. The owner and/or possessor of a controlling interest of the facility, in the case of a sole proprietorship;

ii. Each partner, in the case of a partnership; or

iii. Each officer, director and possessor of a controlling interest, in the case of a corporation;

3. Whether the applicant has ever been convicted of a crime;

4. Whether the applicant has ever been found to be in violation of the Federal Clean Air Act or the Consumer Fraud Act (N.J.S.A. 56:8-1 et seq.) or any regulations adopted thereunder or N.J.A.C. 7:27-15.7 pertaining to tampering with emission control apparatus;

5. Whether the applicant has ever been denied, or had suspended or revoked, a license or registration to engage in any business, profession or occupation licensed or registered under the laws of any state; and

6. Whether the applicant has any interest in any other motor vehicle emission repair facility or any motor vehicle related business.

(c) Each initial application for a motor vehicle emission repair facility registration shall include the following:

1. The New Jersey Sales Tax Identification Number;
2. The New Jersey Unemployment Registration Number;
3. The Federal Employer Identification Number; and
4. The corporation code, if one has been issued by the Division.

(d) Each initial application for a motor vehicle emission repair facility registration shall be accompanied by the applicable fee as specified in N.J.A.C. 13:20-45.6.

(e) If there are multiple locations for motor vehicle emission repair facilities owned by the same applicant, a separate application, accompanying documents, and registration fee as specified in N.J.A.C. 13:20-45.6 shall be submitted for each such place of business. A separate registration shall be issued for each such place of business.

(f) Upon preliminary approval of each initial registration application, a registration shall be issued to the motor vehicle emission repair facility. Each initial registration issued to a motor vehicle emission repair facility on or after June 29, 1995 shall be effective on the date of issuance and shall continue in force and effect until December 31, 2000, and shall, thereafter, be renewed on a biennial basis, unless such registration is suspended or revoked by the Director.

Amended by R.1999 d.422, effective December 6, 1999.
See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

In (f), substituted a reference to 2000 for a reference to 1998.

13:20-45.5 Applicant qualification

Each applicant shall be at least 18 years old, and must have the legal capacity to contract, to be sued and to be liable for all debts.

13:20-45.6 Registration fee

Each initial or renewal application for a motor vehicle emission repair facility registration shall be accompanied by a registration fee of \$50.00 payable to the Division. Such registration fee shall be returned to the applicant only in the event that the Director refuses to grant or renew a motor vehicle emission repair facility registration. Such registration fee, or any portion thereof, shall not be refunded to the registrant in the event that the motor vehicle emission repair facility registration is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter, or if the registrant voluntarily surrenders the registration at any time during the registration period.

13:20-45.7 Registration renewals

(a) Each registrant shall, no later than 30 days before the expiration of the registration, submit to the Director an application to renew its current registration provided that such registrant is not prohibited from applying for a registration as specified in N.J.A.C. 13:20-45.22. An application to renew a motor vehicle emission repair facility registration may be obtained from the Motor Vehicle Emission Repair Facility Registration Unit of the Division at the address specified in N.J.A.C. 13:20-45.4(a).

(b) Each application to renew a motor vehicle emission repair facility registration shall be accompanied by the fee specified in N.J.A.C. 13:20-45.6.

(c) Upon approval of each renewal application, a registration shall be issued to the motor vehicle emission repair facility. Each renewal registration issued to a motor vehicle emission repair facility on or after January 1 of any year shall continue in force and effect until December 31 of the following year, unless such registration is suspended or revoked by the Director.

Amended by R.1999 d.422, effective December 6, 1999.
See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).
Rewrote (c).

13:20-45.8 Surrender of registration

(a) Each motor vehicle emission repair facility registration, although issued and delivered to a registrant, shall at all times be the property of the State of New Jersey.

(b) Upon any suspension, revocation, refusal to renew or other termination of a motor vehicle emission repair facility registration, the registration shall no longer be in force and effect and the registration shall be surrendered forthwith upon demand of a Division representative.

13:20-45.9 Responsibility of registrants

(a) In the case of a sole proprietorship, the owner and/or possessor of a controlling interest in the motor vehicle emission repair facility shall be responsible to the Director for the conduct of the business of the facility and for all actions performed by his or her employees in connection with the business of the facility concerning violations of P.L. 1995, c.112, or P.L. 1995, c.157, or this subchapter.

(b) In the case of a partnership or corporation, each partner, or corporate officer and/or director, or any person or entity possessing a controlling interest, as the case may be, shall be held individually and jointly responsible to the Director for the conduct of the business of the facility and for all actions performed by its employees in connection with the business of the facility concerning violations of P.L. 1995, c.112, or P.L. 1995, c.157, or this subchapter.

Amended by, R.1997 d.392, effective September 15, 1997.
See: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).
Inserted references to P.L. 1995, c.157.

13:20-45.10 Deceptive practices concerning emission-related repairs

Motor vehicle emission repair facilities shall be subject to the provisions of N.J.A.C. 13:45A-26C.

Amended by R.1999 d.422, effective December 6, 1999.
See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).
Changed N.J.A.C. reference.

13:20-45.11 Notice and recordkeeping requirements

(a) Each registrant shall display an outdoor sign which shall read: "Registered: State of New Jersey Motor Vehicle Emission Repair Facility". The sign shall include the registration number of the motor vehicle emission repair facility. The sign must contain letters at least two inches high with a stroke of approximately one-half inch, be visible from the road and be located in a conspicuous location for the general public to see. If zoning ordinances prohibit the posting of such sign or such posting is otherwise impractical, the registrant shall prominently display such sign on the exterior of the motor vehicle emission repair facility.

(b) Every registration issued in accordance with this subchapter shall be prominently displayed in the office, waiting area or other conspicuous location which is accessible to the public at the motor vehicle emission repair facility.

(c) Every registered motor vehicle emission repair facility shall post in a conspicuous location accessible to the public a "Notice to Consumers" concerning violations of P.L. 1995, c.112 and the fact that customers have a right to inspect the repaired motor vehicle before paying for the repair work. The notice shall be prepared and furnished by the Division.

(d) Every registered motor vehicle emission repair facility shall post in a conspicuous location accessible to the public a notice stating that the names and qualifications of its certified emission repair technicians are available upon request.

(e) Every registered motor vehicle emission repair facility shall maintain copies of all motor vehicle inspection reports, estimates, work orders, invoices, parts purchase orders, appraisals and/or other documents prepared by that facility for repair work performed by that facility or by subcontractors.

1. Such copies shall be kept for at least four years and shall be available for inspection by the Director, the Commissioner of the Department of Environmental Protection, the Director of the Division of Consumer Affairs, or any person designated by them, during normal business hours.

2. Failure to permit such inspection shall subject the registrant to administrative action pursuant to this subchapter.

(f) Every motor vehicle emission repair facility shall, upon request of the Director or any person designated by him or her, provide the Director or his or her designee with a list of its employees in such form and detail as may be required by the Director or his or her designee. Failure to provide such list when requested shall subject the registrant to administrative action pursuant to this subchapter.

(g) The registrant shall notify the Director in writing within 10 days whenever any person acquires ownership or control of 10 percent or more of the stock of a motor vehicle emission repair facility, or whenever a person becomes a partner or limited partner in a motor vehicle repair facility.

(h) The registrant shall notify the Director in writing within 10 days of any change in address of the motor vehicle emission repair facility or of any change in address of persons or entities required to be listed on the application by N.J.A.C. 13:20-45.4.

(i) The registrant shall notify the Director in writing within 10 days whenever any person or entity required to be listed on the application by N.J.A.C. 13:20-45.4 is no longer associated with the motor vehicle emission repair facility.

(j) All written notifications required by this subchapter shall be made by either personal delivery or sent by certified mail to the Motor Vehicle Emission Repair Facility Registration Unit of the Division at the address specified in N.J.A.C. 13:20-45.4(a).

(k) An amended application shall be filed by the registrant with the Director when there is a substitution and/or addition of persons or entities required to be listed on the application by N.J.A.C. 13:20-45.4.

(l) Any process issued to a registrant pursuant to the statutory authority of the Director including, but not limited to, subpoenas, orders, and orders to show cause, may be served upon a registrant or counsel of record, by sending said process by certified or ordinary mail, to the business address of the motor vehicle emission repair facility or to counsel's address on record with the Division.

13:20-45.12 Advertising

(a) Any advertising used by the motor vehicle emission repair facility in any printed or published material shall contain and prominently display the registration number of the facility.

(b) Any advertising used by the motor vehicle emission repair facility in any radio broadcast shall disclose that the facility is registered by the State of New Jersey.

(c) Any advertising used by the motor vehicle emission repair facility in any television broadcast shall prominently display the registration number of the facility at the end of such broadcast.

13:20-45.13 Storage rates

Every motor vehicle emission repair facility which charges a per diem fee to store a motor vehicle on its premises shall disclose in writing, prior to initiating emission-related repair(s), the amount of such storage charge to the customer.

13:20-45.14 Additional violations

(a) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Director may refuse to renew a registration or suspend or revoke the registration of any motor vehicle emission repair facility if he or she determines that the applicant or registrant:

1. Has made a false statement or concealed a fact in connection with the application for a registration or a renewal thereof; or
2. Is not the owner of, or possessor of a controlling interest in, the motor vehicle emission repair facility.

(b) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Director may refuse to renew a registration or suspend or revoke the registration of any motor vehicle emission repair facility if he or she determines that the applicant or registrant at any time following submission of the application for initial registration:

1. Has been found to have violated or conducted fraudulent or deceptive practices concerning the repair of motor vehicles in violation of N.J.S.A. 56:8-1 et seq. or N.J.A.C. 13:45A-26C or this subchapter;
2. Has been found to have violated N.J.A.C. 7:27-15.7 pertaining to tampering with emission control apparatus;
3. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which indicates that registration of the applicant or continued registration of the registrant would be inimical to the registration standards set forth in P.L. 1995, c.112 and this subchapter;
4. Demonstrates a pattern of conduct whereby emission repairs made by the motor vehicle emission repair facility were not made in a workmanlike manner;
5. Issues a check in payment of any fees required by this subchapter which is subsequently dishonored;
6. Has failed to comply with any of the provisions of this subchapter;
7. Fails to maintain an approved place of business in accordance with N.J.A.C. 13:20-45.4(b)(1);
8. Fails to pay any fee required by law or regulation;
9. Fails to notify the Director in writing as required by N.J.A.C. 13:20-45.11(f), (g) and (h);
10. Has in its possession any motor vehicle, major motor vehicle component part or component part as defined in N.J.S.A. 39:10B-1 or replacement parts on

which the vehicle identification number or other identification affixed thereto in accordance with Federal theft prevention standards has been removed, altered, defaced, destroyed, or so covered as to be concealed;

11. Has been found to be in violation of the Federal Clean Air Act or the Consumer Fraud Act (N.J.S.A. 56:8-1 et seq.) or any regulations adopted thereunder;

12. Has failed to properly secure Pre-inspection Emission Repair Forms;

13. Has failed to properly account for lost or stolen Pre-inspection Emission Repair Forms. A registrant can "properly account" for such documents by demonstrating, to the satisfaction of Director, that they were lost or stolen under circumstances beyond the reasonable control of the registrant; or

14. For other good cause.

Amended by R.1999 d.422, effective December 6, 1999.
See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

In (b)1, changed N.J.A.C. reference.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (a)2, inserted "emission" preceding "repair facility".

13:20-45.15 Mechanic qualifications

If the motor vehicle emission repair facility performs safety equipment repairs, the registrant or someone in his or her employment must meet the mechanic qualification standard as set forth in N.J.A.C. 13:20-44.19.

13:20-45.16 Repair technician; certification

(a) The registrant or someone in his or her employment shall be certified as a repair technician.

(b) No emission repairs to "gasoline-fueled" or "bi-fueled" motor vehicles as defined in N.J.A.C. 13:20-43.1 may be performed for compensation of any kind by any person or facility unless the repairs are made by, or under the supervision of, a certified repair technician employed by the facility. For purposes of this subsection, "employed by" shall be construed to include any business relationship between the certified repair technician and the facility including actual or equitable ownership, in whole or in part, of the individual facility by the technician or a partnership interest in the facility.

(c) Repair technician certification shall be predicated upon a person's satisfactory completion of an approved repair technician certification program of instruction in emission-related repairs on vehicles that fail an emission test.

(d) An approved repair technician program of instruction shall include:

1. Diagnosis and repair of malfunctions in computer controlled, close-loop vehicles;

2. The application of emission control theory and diagnostic data to the diagnosis and repair of failures on loaded-mode and idle tests and the evaporative system functional tests;

3. Utilization of diagnostic information on systematic or repeated failures observed in the loaded-mode and idle tests and the evaporative system functional tests; and

4. General training in the various subsystems related to engine emission control.

(e) Upon the satisfactory completion of a course of instruction, the provider of the repair technician program shall issue to each person a Certificate of Repair Technician Course Completion.

Amended by R.1997 d.392, effective September 15, 1997.

See: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).

In (b), inserted "to 'gasoline-fueled' vehicles as defined in N.J.A.C. 13:20-43.1".

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

In (a), deleted "On or after July 1, 1998" at the beginning; and in (b), deleted "On or after July 1, 1998" at the beginning, and inserted a reference to bi-fueled motor vehicles.

13:20-45.17 Additional penalties

Where, pursuant to N.J.S.A. 39:8-1 et seq., or any regulation adopted thereunder, the Director has the authority to suspend, revoke or refuse to renew the registration of a motor vehicle emission repair facility, the Director shall also have the authority to impose, as an alternative or in addition to such suspension, revocation or refusal to renew, an official warning.

13:20-45.18 Investigations

(a) The Director, or any person designated by him or her, shall have the power to investigate and gather evidence of violations of N.J.S.A. 39:8-1 et seq., or of any regulation adopted thereunder, by a motor vehicle emission repair facility.

(b) The Director, or any person designated by him or her, shall have the power to conduct investigations, administer oaths, interrogate registrants, issue subpoenas, summonses and/or complaints and compel witnesses to appear at any hearing.

(c) Except as set forth in N.J.A.C. 13:20-45.11(k), subpoenas shall be served in the same manner, and the witnesses shall be entitled to the same fees, as in the case of subpoenas issued out of the Superior Court of New Jersey.

(d) In the case of a failure of any person to comply with any subpoena issued under this subchapter or to testify with respect to any matter concerning which he or she may be lawfully interrogated, the Superior Court, on application of the Director, may be requested to issue an order requiring the attendance of such person and the giving of testimony or production of evidence. Any person failing to obey the order of the court may be punished by the court for contempt.

(e) In addition to the authority set forth in (a) above, New Jersey State Police officers, Department of Environmental Protection investigators and Division of Consumer Affairs investigators are hereby authorized to enforce the provisions of this subchapter.

13:20-45.19 Written notice of suspension or revocation or refusal to grant or renew registration

(a) The Director shall notify the applicant, in writing by certified mail, of any refusal to renew a motor vehicle emission repair facility registration and the grounds thereof. Written notice shall be mailed to the applicant at the address listed on the application or to the place of business on record with the Division.

(b) The Director shall notify the registrant, in writing by certified mail, of any proposed suspension or revocation of the motor vehicle emission repair facility registration and the grounds thereof. Written notice shall be mailed to the place of business on record with the Division. Unless the registrant files with the Director a written request for a hearing in accordance with N.J.A.C. 13:20-45.20, the motor vehicle emission repair facility registration shall be suspended or revoked on the date specified in such notice.

13:20-45.20 Request for hearing

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-45.19(a) that the Director refuses to renew a motor vehicle emission repair facility registration, the applicant shall be entitled to an administrative hearing concerning such refusal provided that the applicant has filed and the Director has received a written request for a hearing within 15 days. The 15 day period shall commence on the date such notice was mailed to the applicant by the Division in accordance with N.J.A.C. 13:20-45.19(a).

(b) If a registrant has been notified in accordance with N.J.A.C. 13:20-45.19(b) of a proposed suspension or revocation of his or her motor vehicle emission repair facility registration, the registrant shall be entitled to an administrative hearing concerning such proposed suspension or revocation provided that the registrant has filed and the Director has received a written request for a hearing within 15 days. The 15 day period shall commence on the date such notice was mailed to the registrant by the Division in accordance with N.J.A.C. 13:20-45.19(b).

(c) Any written request for a hearing by an applicant or registrant shall be sent to the Motor Vehicle Emission Repair Facility Registration Unit of the Division at the address specified in N.J.A.C. 13:20-45.4(a). The hearing request shall contain the following information:

1. The name, registration number, place of business and telephone number of the motor vehicle emission repair facility;

2. A concise statement of facts constituting each ground of defense:

3. A specific admission, denial or explanation of each fact alleged by the Division in its notice or order to show cause, or if without knowledge thereof, a statement to that effect; any allegation in the Division's notice or order to show cause which is not answered in accordance with this paragraph shall be deemed to have been admitted; and

4. A statement requesting a hearing.

(d) If the applicant or registrant does not file a written request for a hearing in accordance with (a), (b), or (c) above, the suspension, revocation or refusal to renew the motor vehicle emission repair facility registration shall be effective on the date specified in such notice. The motor vehicle emission repair facility shall cease all activities of the business of a motor vehicle emission repair facility effective on the date specified in such notice.

13:20-45.21 Hearing procedures

Any hearing concerning the suspension, revocation or refusal to renew a motor vehicle emission repair facility registration shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

13:20-45.22 Limitations on issuance of registration after suspension, revocation or refusal to renew

(a) No person whose renewal application for a motor vehicle emission repair facility registration is refused shall be entitled to apply for a registration under this subchapter for a period of one year from the effective date of such refusal.

(b) No person whose registration is suspended or revoked shall be entitled to apply for a registration under this subchapter during the period of suspension or revocation.

13:20-45.23 Registration restoration

(a) A fee of \$50.00 shall be payable to the Division for the restoration of a motor vehicle emission repair facility registration which is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter. Such registration restoration fee shall be paid to the Division before the registration may be restored.

(b) Each suspension or revocation of any motor vehicle emission repair facility registration, pursuant to N.J.S.A. 39:8-1 et seq. or any regulation adopted thereunder, shall continue in force and effect until such registration is restored by the Director.

(c) In the case of every suspension or revocation of a motor vehicle emission repair facility registration for a fixed period of time, the registrant, as a condition precedent to restoration, shall make application to the Director, in such form as the Director may determine, and pay the registration restoration fee specified in (a) above. The Director

may, upon notice and an opportunity to be heard, deny any application for restoration of a motor vehicle emission repair facility registration for good cause.

SUBCHAPTER 46. DIESEL EMISSION INSPECTION AND MAINTENANCE PROGRAM

13:20-46.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Department" means the Department of Environmental Protection in the State of New Jersey.

"Diesel bus" means any diesel-powered autobus or motorbus of any size or configuration, whether registered in this State or elsewhere, that is designed or used for intrastate or interstate transportation of passengers for hire or otherwise on a public road, street or highway or any public or quasi-public property in this State, including, but not limited to, autobuses under the jurisdiction of the Department of Transportation pursuant to Titles 27 or 48 of the Revised Statutes; autobuses of the New Jersey Transit Corporation and its contract carriers that are under the inspection jurisdiction of the Department of Transportation; autobuses that are subject to Federal motor carrier safety regulations; autobuses under the authority of the Interstate Commerce Commission or its successor agency; school buses, as defined pursuant to N.J.S.A. 39:1-1; and hotel, casino, charter, and special buses.

"Diesel emission inspection center" means any person, partnership or corporation licensed by the Division pursuant to N.J.A.C. 13:20-47 to perform the diesel vehicle inspections permitted by that subchapter.

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Division" means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of a single or combination (articulated) vehicle. The GVWR of a combination (articulated) vehicle, commonly referred to as the "gross combination weight rating" or "GCWR," is the GVWR of the power unit plus the GVWR of the towed unit or units.

"Heavy-duty diesel truck" means any diesel-powered motor vehicle, whether registered in this State or elsewhere, with a GVWR of 18,000 or more pounds that is designed or